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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,579	12/03/2003	Poh C. Chua	BS99-219-CON	3455
28970 7590 05/25/2007 PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,579

Applicant(s)

CHUA ET AL.

Examiner

Jean A. Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44,45,48-52,55-58 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44,45,48-52,55-58 and 63-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This is in response to the Applicant's arguments, amendments, and Terminal Disclaimer filed on February 28, 2007, in which claims 44, 51, and 56 have been amended; and claims 64-66 have been added. The Terminal Disclaimer has been entered in the application. Claims 44, 45, 48-52, 55-58, and 63-66 are currently pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 64-66 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

In paragraph [0086], the Applicant discloses "a signal has been preloaded in the memory" which corresponds to the readable medium stores a signal. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory (see MPEP 2106.01). And the phrase "processor-readable medium" has not

been presented with the original claims, and it is nowhere to be found in the specification. Therefore, it is a new matter.

Claims 64-66 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44, 45, 48-52, 55-58, and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Phillips (US 2003/0055560).

Regarding claims 44, 51, 56, and 64-66, Yamamoto teaches a method for operating wireless devices in vehicles (sections 18-20) comprising: monitoring a relationship between a wireless device and a vehicle (sections 18-20, 48) by evaluating location information that specifies a location of the wireless device, that specifies a location of the vehicle, and that is generated by a location system to determine the relationship by (i.e., the system measures when the MS is in the range of car audio device in order to activate the hands-free mode, inherently location of the MS with

respect to the car audio device is known prior to establish the BT radio link with the car device, sections 48, 59, 65, and 68); and enabling operation of the wireless device in a hands-free mode if the relationship satisfies a condition (i.e., when the mobile is in the vehicle, information can be transmitted in hands-free mode without making any operation, section 48).

Yamamoto does not specifically teach comparing the location of the wireless device to the location of the vehicle.

However, the preceding limitation is known in the art of communication. Phillips teaches the system is configured to determine the location of both the terminal and the vehicle; when activated by the user, the system may be configured to provide the location of the vehicle to the terminal and aid the user in locating the vehicle [0034], [0071]-[0072], comparing the phone location to that of the vehicle location [0072]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Phillips within the system of Yamamoto in order to display the location of the terminal in relation to the location of the vehicle on the display of the terminal enabling the system to determine the distance of the terminal with respect to the vehicle.

Regarding claims 45, 60, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein the relationship indicates that the device is located within the vehicle (section 48)

Regarding claim 48, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches comprises measuring a signal strength transmitted

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by the wireless device by a transceiver associated with the vehicle in addition to evaluation of location (for detection when to connect or disconnect the MS to AS, sections 58-59, determination when to assign the BT radio link to the car audio device is base on the location of the MS with respect to the car audio device, section 48).

Regarding claims 49, and 63, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein the wireless device is a wireless telephone (MS is mobile telephone, section 48).

Regarding claim 50, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein the enabling operation of the wireless device in a hands-free mode is performed by the wireless device (section 48).

Regarding claims 52, 57, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein the determining is performed by a geonavigational positioning system (section 0094-0097).

Regarding claim 55, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein the enabling is performed by a microprocessor that controls the wireless telephone (sections 13 and 48).

Regarding claim 58, Yamamoto in view of Phillips teaches all the limitations above. Yamamoto further teaches wherein at least one of the location systems is a GPS receiver (sections 94-95, 103).

Response to Arguments

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6. Applicant's arguments with respect to claims 44, 45, 48-52, 55-58, 63-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
May 16, 2007

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Gelin".